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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/055,984 04/07/98 KIM

T K-018

EXAMINER

WM02/1122

THE LAW OFFICES OF FLESHNER & KIM
PO BOX 221200
CHANTILLY VA 20153-1200

NGUYEN, T	
ART UNIT	PAPER NUMBER

2663
DATE MAILED:

11/22/00

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
08/055,984

Applicant(s)

Tae Woon KIM

Examiner

Toan Nguyen

Group Art Unit

2663



☒ Responsive to communication(s) filed on Apr 7, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-21 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7, 9, 10, 13, 16, 17, and 21 is/are rejected.

☒ Claim(s) 8, 11, 12, 14, 15, and 18-20 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Apr 7, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Application/Control Number: 09/055984

Art Unit: 2663

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-7, 9-10, 13, 16-17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlenius et al. (U.S. Patent 5,859,839) in view of Muths et al. (U.S. Patent 6,081,706).

As to claims 1, Ahlenius et al. discloses a mobile data communication system for a

wireless data communication, comprising:

a plurality of mobile stations (col. 3 lines 14-33);

a plurality of base stations and base station controllers for transferring a signal transmitted from said mobile stations and signal transmitted to said mobile stations in a predetermined service area (col. 4 lines 25-47);

mobile switching center for deciding service option included in the signal transmitted from the base stations and base station controllers and for executing a circuit data service or a packet data service according to the decided service option (col. 4 lines 25-58); and

Ahlenius et al. do not disclose at least one mobile data network interworking units for establishing a traffic channel of a mobile data path and a call between a calling party mobile station and a called party mobile station when said mobile switching center performs the circuit data service. In the analogous art, Muths et al. disclose one mobile data network interworking units (col. 3 lines 60-64). It would have been obvious to one of ordinary skill in the art at the time invention, to combine teachings of Muths's transmitting data to a mobile communication unit in Ahlenius's automatically selecting channel powers in a wireless communication system. The motivation/suggestion to do so would have been to have a system includes a first data channel established between the mobile communication unit and a wireless communication system as suggested by Muths et al. (Abstract lines 1-3).

As to claim 2, Ahlenius et al. disclose mobile switching center comprises:

mobile connection control module for deciding a service option include in the signal transmitted from base station and base station controllers and for generating a switching signal controlling an interface connection (col. 4 lines 4-47);

mobile data path connection control module for controlling the connection to a mobile

network data path according to the output signal of said mobile connection control module (col. 3 lines 34-41);

Ahlenius et al. do not disclose public network data path connection control module for controlling the connection to a public network data path according to the output signal of said mobile data network interworking unit. In the analogous art, Muths et al. disclose public network data path connection control module for controlling the connection (col. 4 lines 4-17). It would have been obvious to one of ordinary skill in the art at the time invention, to combine teachings of Muths's transmitting data to a mobile communication unit in Ahlenius's automatically selecting channel powers in a wireless communication system. The motivation/suggestion to do so would have been to have a system includes a first data channel established between the mobile communication unit and a wireless communication system as suggested by Muths et al. (Abstract lines 1-3).

Ahlenius et al. do not disclose trunk connection control module for transmitting the output signal of said public network data path connection control module or said mobile network data path connection control module to the public switched telephone network or to the other mobile switching center according to the output signal mobile data path control module or said public network data path connection control module. In the analogous art, Muths et al. disclose trunk connection control module for transmitting the output signal (col. 4 lines 4-31). It would have been obvious to one of ordinary skill in the art at the time invention, to combine teachings of Muths's transmitting data to a mobile communication unit in Ahlenius's automatically selecting channel powers in a wireless communication system. The motivation/suggestion to do so would have been to have a system includes a first data channel established between the mobile communication unit and a wireless communication system as suggested by Muths et al. (Abstract

lines 1-3).

As to claim 3, Muths et al. disclose wherein said mobile station includes a couple of a data terminal and a mobile terminal which are connected to each other or a separate mobile terminal (col. 3 lines 30-35).

As to claim 4, Muths et al. disclose data terminal includes one of notebook, personal digital assistant, laptop, palm top, portable or small computer (col. 4 lines 13-17).

As to claim 5, Muths et al. disclose each of said mobile stations includes a protocol stack for a circuit data and a call processing module for processing a packet data (col. 4 lines 32-43 and col. 5 lines 1-6).

As to claim 6, Muths et al. disclose mobile data network interworking unit includes:
a data path connection section for forming a path connection between said mobile switching center and mobile data network interworking unit (col. 4 lines 4-55);

a main processing section forming a traffic channel of a mobile data path between a calling party mobile station and a called party mobile station to execute a circuit data communication or a packet data communication according to a received signal from said data path connection section (col. 4 lines 32-55)

a circuit data processing section analyzing the signal transmitted from said calling party mobile station if the protocol between the calling party mobile station and the called party mobile station is normally executed when said main processing section performs the circuit data service and then transmitting said called party identification number to said main processing section (col. 2 lines 25-35, and col. 4 lines 32-55); and

a switching section selectively switching the connection between said circuit data

processing section and said data path connection section according to the control signal of said main processing (col. 4 lines 4-55).

As to claim 7, Ahlenius et al. disclose a main processing section includes:

a mobile data path control module for establishing a link with said mobile switching center (col. 4 lines 25-37);

a circuit data control module controlling the exchange of the traffic data information between said mobile station and circuit data processing section (col. 4 lines 4-23);

a public network data path control module for establishing the link with said mobile switching center (col. 4 lines 25-37).

Ahlenius et al. do not disclose a modem control module controlling the modem equipped in said circuit data processing section. In the analogous art, Muths et al. disclose a modem control module controlling the modem equipped in said circuit data processing section (col. 4 lines 44-55). It would have been obvious to one of ordinary skill in the art at the time invention, to combine teachings of Muths's transmitting data to a mobile communication unit in Ahlenius's automatically selecting channel powers in a wireless communication system. The motivation/suggestion to do so would have been to have a system includes a first data channel established between the mobile communication unit and a wireless communication system as suggested by Muths et al. (Abstract lines 1-3).

As to claim 9, Ahlenius et al. disclose mobile data communication system is characterized by a CDMA mobile data communication system (col. 1 lines 13-19).

As to claim 10, Muths et al. disclose the steps of:

inputting an identification number of a called party mobile station (col. 4 lines 32-43);

establishing a first call from a calling party mobile station to said mobile data network

interworking unit and then establishing a first traffic channel (col. 4 lines 32-46);

calling a called party mobile station at said mobile data network interworking unit (col. 4 lines 44-50);

establishing a second call from said called party mobile station to said mobile data network interworking unit when a data response comes from said called party mobile station and then establishing a second traffic channel after said mobile data path connection module informs said public network data path connection control module of the normal state of said first data path (col. 4 line 56 to col 5 line 6);

establishing a call between said mobile switching center and the mobile data network interworking unit through the second data path (col. 5 lines 7-17); and

connecting said first and second traffic channels through at least one modems (col. 5 lines 7-10).

As to claim 13, Muths et al. disclose steps for establishing the first call includes the steps of:

deciding the service option included in the signal transmitted from said party mobile station (col. 4 lines 44-55); and

requesting said data network interworking unit to establish a call when said services option is to request a circuit data communication service (col. 5-4 lines 44-51).

With regarding to claim 16, arguments analogous to those presented above for claim 13 are applicable to claim 16.

With regarding to claim 17, arguments analogous to those presented above for claim 13 are applicable to claim 17.

As to claim 21, Muths et al. disclose the steps of:

- a) inputting an identification number of a called party mobile station (col. 4 lines 32-43);
- b) establishing a first traffic channel after establishing a first call from a calling party mobile station to a first mobile data network interworking unit through a first switching center (col. 4 lines 32-46);
- c) calling a called party mobile station controlled by a second mobile switching center from said first mobile data network interworking unit through said public network data path connection control module and said trunk connection control module (col. 4 lines 44-50);
- d) establishing a second traffic channel after a second call from said called party mobile station to a second mobile data network interworking unit is established when said called party mobile station is responded and said mobile data path connection module informs said public network data path connection control module of the normal state of said first data path (col. 4 line 56 to col 5 line 6);
- e) establishing a call between said public network data path connection control module and said mobile data network interworking unit after said mobile data path connection control module informs said public network data path connection control module of the completion of channel establishment when said second traffic channel is completely established (col. 5 lines 7-17);
- f) releasing the traffic channel between said mobile connection control module and said public network data path connection control module when the call establishment between the public network data path connection control module and said second mobile data network interworking unit is completed (col. 5 lines 7-17); and
- g) connecting said first and second traffic channels through at least one modems (col.

5 lines 7-10).

Objection To Claims, Allowable Subject Matter

3. Claims 8, 11-12, 14-15, 18- 20 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Contact Information

4. Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

or faxed to:

(703) 308-9051 or (703) 308-9052 (for formal communications intended for entry)
(703) 306-5406 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

5. Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or early communications should be directed to Toan Nguyen whose telephone number is (703) 305-0140. He can be reached Monday through Friday from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached at (703) 308-5340. The fax phone number for this Group is (703)-305-3988.

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone number is (703) 305-4700.

TN

T.N.



HUY D. VU
PRIMARY EXAMINER